

election on the question of prohibition shall thereafter be held within the same territory, or any subdivision thereof, until after the expiration of one year from the said prior election."

Senator Douglass moved the previous question.

On the question, shall the main question be now put, the vote resulted as follows:

YEAS—12.

Baldwin.	Kearby,
Boren,	McComb,
Crowley,	McKinney,
Dickson,	Pressler,
Douglass,	Whitaker,
Goss,	Woods.

NAYS—19.

Agnew,	Lawhon,
Atlee,	Lewis,
Bowser,	Shelburne,
Browning,	Simpson,
Cranford,	Smith,
Dean,	Steele,
Greer,	Swayne,
Hutchinson,	Tips,
Imboden,	Yoakum.
Jester,	

Senator Kearby rose to a point of order.

Chair overruled same.

Senator Baldwin moved to adjourn until Monday, 10 o'clock.

Senator Imboden entered a motion to reconsider the vote by which the amendment offered by Senator Hutchinson was lost, and same was ordered spread upon the Journal.

Senator Kearby opposed the amendment offered by Senator Lewis.

Senator McComb favored the amendment.

Senator Hutchinson moved to adjourn until Monday morning, 10 o'clock.

Senator Imboden entered a motion to reconsider the vote by which the amendment offered by Senator Bowser on yesterday, striking out the words "personally examined" in line 6, of article 3228, of printed bill, and the same was ordered spread upon the Journal.

Pending the vote to adjourn, the President ordered the following communication to be read:

INSTITUTION FOR THE BLIND,
AUSTIN, TEXAS, Jan. 21, 1893.

Hon. M. M. Crane, Lieutenant-Governor and President of the Senate:

Please be kind enough to invite the members and officers of the Senate to attend a concert which will be given for the pleasure of the members of the Legislature in this institution Monday

night at 8 o'clock. Their families and lady friends also are invited.

Yours respectfully,

FRANK RAINEY, Supt.

On a division of the Senate, the motion to adjourn was carried by a vote of 16 to 11.

Adjourned till Monday 10 o'clock.

TWELFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Jan. 23, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchinson,	Woods,
Imboden,	Yoakum.
Jester,	

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal,

On motion of Senator Steele, the reading of the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Baldwin:

Petition from citizens of Western Texas and the portion infested with prairie dogs, asking amendment to present scalp law, etc.

Read and referred to Committee on Stock and Stockraising.

By Senator Baldwin:

Petition from citizens of Scurry to grant relief by reducing the amount of interest on school lands for five years to such a rate as will not exceed \$25 per section.

Read and referred to Committee on Finance.

By Senator Baldwin:

Petition from citizens of Callahan county to establish three additional supreme judicial districts for the trial of civil cases, etc., and "that a court of civil appeals be held in the Abilene country."

Read and referred to Judiciary Committee No. 1.

BILLS AND RESOLUTIONS.

By Senator Kearby:

A bill to be entitled "An act to make notes, bonds, contracts and other evidences of debt held by persons within the State of Texas, that are secured by a lien on land within the State, subject to taxation in the State, and providing that they shall be rendered and the taxes paid thereon in the county in which the land is situated, and providing the mode of collecting the same, and prohibiting any agreement whereby the payor of said note, bond, contract, or other evidence of debt shall pay said taxes, or become liable therefor."

Read first time and referred to Judiciary Committee No. 2.

By Senator Jester:

"An act making appropriations for the support of the State government, beginning February 28, 1893, and ending February 28, 1895."

Read first time and referred to Committee on Finance.

By Senator Dickson:

A bill to be entitled "An act to make the necessary provisions for the compensation of the attending physician on bodies where inquest is held."

Read first time and referred to Judiciary Committee No. 1.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

AUSTIN, TEXAS, Jan. 23, 1893.

Hon. M. M. Crane, President of the Senate:

SIR—I am instructed by the House to inform the Senate that the House has concurred in Senate amendments to House concurrent resolution relating to the appointment of joint committees to visit the different State institutions, and that the Speaker has appointed the following members on same:

To visit the University of Texas, the Agricultural and Mechanical College, the Prairie View Normal School and the Sam Houston Normal Institute, Messrs. Truit, Moody and Gough.

To visit the penitentiaries, Messrs. Onion, Pickett and McGehee.

To visit the reformatory, Messrs. Morrison, Weeks and Bayne.

To visit the North Texas Lunatic Asylum, Messrs. Moore, Lloyd and Erskine.

To visit the Southwestern Lunatic Asylum, Messrs. Kennedy of Starr, Kennedy of Bee and McElwee.

Respectfully,

GEO. W. FINGER,
Chief Clerk House of Representatives.

CONCURRENT RESOLUTIONS.

By Senator Kearby:

Whereas, There is now before Congress a proposition to place the census bureau on a permanent basis; and

Whereas, We believe it to be properly the business of such a bureau to show the distribution as well as the production of wealth; therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That we favor the permanent establishment of the census bureau, and we request that it shall be made a part of its permanent duties to collect data at each decennial period to show what percentage of the people of the United States occupy their own homes and their own farms, and what percentage are tenants; and of those occupying their own homes and farms, what percentage have their property free from debt, and what is the value thereof; and what percentage of the homes and farms are under mortgage, the value thereof, and what percentage of the value is so mortgaged, and what percentage of the real estate in each State of the Union is under mortgage, the amount of such mortgage debt, and the value thereof, and what percentage of such mortgages is held and owned by foreigners or foreign corporations, and what percentage of the real estate in the several States is owned or held by corporations, giving the percentage held by foreign corporations and the percentage held by domestic corporations.

Resolved, That our Senators and Congressmen use their influence to procure the passage of the bill embracing the substance of these resolutions, as a part of the duties of the census bureau.

Resolved, That the secretary of the Senate shall cause to be printed a suitable number of copies of these resolutions, and shall transmit a copy of the same to each of our Senators and Congressmen at Washington, D. C.

Read first time, and on motion of Senator Imboden, ordered printed in the journal and laid on table subject to call.

By Senator Browning:

Whereas, It is to be presumed, that the Legislature of the State of Texas can better subserve the interests of the people of Texas by discussing and considering measures of State legislation, than by wasting time in the discussion upon which our Senators and Representatives in Congress, fresh

from the people themselves, need no instructions from us; therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the consideration of all resolutions upon questions of Federal legislation be postponed until after all bills of any importance upon State legislation shall have first been disposed of.

Senator Imboden moved that the resolution be laid on the table subject to call.

Lost.

Upon a call for division the resolution was adopted by vote of 15 to 11.

The following resolution was presented by Senator Boren:

Resolved, That a committee of two be appointed by the President of the Senate, to confer with a like committee of the House, with the view of determining the manner and method of publishing and preserving the proceedings of the Twenty-third Legislature.

Adopted.

The following House message was received:

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, Jan. 23, 1893.

Hon. M. M. Crane, President of the Senate:

SIR—I am directed by the House to inform the Senate of the passage by the House of

House bill No. 3, "An act to amend article 2235 of chapter 3 of title 38 of the Revised Civil Statutes of the State of Texas, relating to depositions."

Respectfully,

GEO. W. FINGER,
Chief Clerk House of Representatives.

Read first time and referred to Judiciary Committee No. 1.

SPECIAL ORDER.

The President laid before the Senate, Senate concurrent resolution No. 1, relating to the Hatch Anti-Option Bill.

Senator Imboden offered the following substitute:

Whereas, Having full faith and confidence in the integrity and ability of our Senators in Congress, the Hons. Richard Coke and Roger Q. Mills; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That we commend them to act as they think proper on the measure pending in Congress known as the "Hatch Anti-Option Bill."

Adopted by the following vote:

YEAS—20.

Agnew,	Imboden,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	Pressler,
Browning,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Tips,
Goss,	Whitaker,
Greer,	Woods.

NAYS—10.

Atlee,	Lawhon,
Cranford,	McKinney,
Douglass,	Steele,
Hutchison,	Swayne,
Kearby,	Yoakum.

On a division of the Senate, the resolution as substituted was adopted by a vote of 17 to 9.

Senator Imboden moved to reconsider the vote by which the substitute for concurrent resolution No. 1, relating to the Hatch Anti-Option bill, was adopted, and to lay that motion on the table.

Adopted.

BILLS ON THIRD READING.

The President laid before the Senate Senate bill No. 13, being "An act to amend section 4 of act approved March 29, 1887, to amend an act to amend sections 1 and 4 of an act to regulate the sale of spiritous, vinous or malt liquors, or medicated bitters; to fix the rate of occupation taxes upon all persons, firms or associations of persons engaged in the sale of spiritous, vinous or malt liquors, or medicated bitters, and define the manner and time of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws in conflict with the provisions of this act, approved March 11, 1881, approved April 4, 1881; and to amend an act to regulate the sale of spiritous, vinous or malt liquors, or medicated bitters; to fix the rate of occupation tax upon all persons, firms or associations of persons engaged in the sale of spiritous, vinous or malt liquors, or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881."

Bill read third time and, on division, passed by a vote of 19 to 5.

BILLS ON SECOND READING.

Senate bill No. 17, entitled "An act to amend article 1816 of the Revised Civil Statutes of the State of Texas," was placed before the Senate.

Bill read second time and ordered engrossed.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended by the following vote:

YEAS—29.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchinson,	Woods,
Imboden,	Yoakum.
Jester,	

NAYS—2.

Crowley, Smith.

The bill was then passed by the following vote:

YEAS—29.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchinson,	Woods,
Imboden,	Yoakum.
Jester,	

NAYS—2.

Crowley, Smith.

UNFINISHED BUSINESS.

The President laid before the Senate Senate bill No. 14, action recurring on the amendment offered by Senator Lewis.

The amendment was read.

Senator Atlee offered to amend the amendment as follows:

"Provided, when the commissioners court of any county are requested to order an election to determine whether or not the sale of intoxicating liquors shall be prohibited in such county they shall, at the same time, consider petitions for elections in one or more subdivisions of such county; if presented before the commissioners have acted an election shall be ordered for the entire county, and also for such subdivision or subdivisions."

Senator Lewis accepted the amendment.

Senator Imboden offered the following amendment to the amendment as amended: "Provided, that where an election has been ordered for a county, or subdivision of a county, the commissioners court of the county shall order an election for a subdivision if the petition for the election in such subdivision, or smaller subdivision, is filed with the clerk of the court ten days prior to the holding of such election in the county or larger subdivision; and such election in the subdivision, or smaller subdivision, shall be ordered to be held not exceeding thirty days after the holding of the election in the county or larger subdivision."

Lost.

The amendment, as amended, was then lost by the following vote:

YEAS—12.

Atlee,	Lewis,
Bowser,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Greer,	Tips,
Lawhon,	Whitaker.

NAYS—17.

Agnew,	Imboden,
Baldwin,	Kearby,
Boren,	McKinney,
Browning,	Pressler,
Cranford,	Steele,
Dickson,	Swayne,
Douglass,	Woods,
Goss,	Yoakum.
Hutchinson,	

By Senator Smith:

Amend article 3234 by inserting after the word "newspaper," in line 3, page 4, the word "published."

Adopted.

By Senator Tips:

Amend article 3239c, by striking out all after the word "law" in line 14 to the word "act," inclusive, in line 20.

Lost by the following vote:

YEAS—14.

Atlee,	Imboden,
Baldwin,	Lewis,
Bowser,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Greer,	Tips,
Hutchinson,	Whitaker.

NAYS—15.

Agnew,	Lawhon,
Boren,	McKinney,
Browning,	Pressler,
Dickson,	Steele,
Douglass,	Swayne,

Goss,
Jester,
Kearby,

Woods,
Yoakum.

Action recurred to motion of Senator Imboden to reconsider the vote by which the resolution offered by Senator Hutchison was lost.

Reconsidered.

The resolution of Senator Hutchison was adopted by a division vote of 15 to 8.

Action then recurred to Senator Imboden's motion to reconsider the vote by which the amendment offered by Senator Bowser was lost.

Lost.

Senator Cranford moved to reconsider the vote by which the resolution offered by Senator Hutchison was adopted.

Lost.

Senator Lawhon moved to recommit the bill with the pending amendment to Judiciary Committee No. 2.

Lost.

By Senator Greer:

Amend article 3239c by adding thereto, "Provided, no arrest or search shall ever be made until the sheriff shall first procure a warrant therefor issued by the proper authority."

Adopted.

By Senator Yoakum:

Amend by adding to article 3236 the following proviso, to-wit:

"Provided, that on petition of fifty qualified voters it shall be the duty of the commissioners court of any county to order an election in any subdivision of any city or town, if in such subdivision there is located a college or other institution of learning."

Lost.

By Senator Lewis:

Amend article 3238 so that the same will read as follows:

"When an election for prohibition shall have been held in any county, such election shall not prevent an election for the same being immediately thereafter held in any justice's precinct, city or town or subdivision of such county as designated by the commissioners court."

Lost.

The bill was then ordered engrossed by the following vote:

YEAS—22.

Agnew,
Baldwin,
Boren,
Bowser,
Browning,
Cranford,

Imboden,
Jester,
Kearby,
Lawhon,
McKinney,
Pressler,

Dean,
Dickson,
Douglass,
Goss,
Hutchison,

Smith,
Steele,
Whitaker,
Woods,
Yoakum.

NAYS—8.

Atlee,
Crowley,
Greer,
Lewis,

McComb,
Shelburne,
Simpson,
Tips.

The following members of joint committees were announced by the President:

Senate committee to visit the North Texas Insane Asylum—Douglass, McKinney.

Senate committee to visit the University of Texas, the Agricultural and Mechanical College, the Prairie View Normal School, and the Sam Houston Normal School—Agnew, Imboden.

Senate committee to visit the Penitentiaries—Tips, Steele.

Senate committee to visit the Reformatory—Yoakum, Kearby.

Senate committee to visit the Southwestern Asylum—Greer, Goss.

Senate bill No. 18, entitled "An act to amend title 17, chapter 6 of the Penal Code of the State of Texas, by adding thereto chapter 6a,"

Was laid before the Senate.

Bill read second time.

Committee amendments adopted.

Senator Smith offered to amend as follows:

Amend by striking out after the word "firearms" in line 4, the following words, "or other deadly missiles."

Lost.

By Senator Goss:

Amend section 1, chapter 6a, by inserting in line 4, between the words "shall" and "discharge," the word "unlawfully."

Adopted.

By Senator Goss:

Amend section 1, chapter 6a, by striking out the word "twenty-five" in line 8, and inserting in lieu thereof the word "ten."

Adopted.

By Senator Browning:

Strike out the words "do personal injury" in line 5, and insert in lieu thereof "commit murder."

By Senator Goss:

Amend the amendment by striking out the word "murder" and inserting in lieu thereof the word "kill."

Pending action on the above,

On motion of Senator Dean, Senate adjourned to 10 o'clock to-morrow morning.